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Attorneys for Complainant			
BEFORE THE PHYSICAL THERAPY BOARD OF CALIFORNIA DEPARTMENT OF CONSUMER AFFAIRS			
		STATE OF CALIF	TORNIA
	Case No. 1D-2000-62643		
	OAH No. N2002070546		
1928 Alicante Street	STIPULATED SETTLEMENT AND DISCIPLINARY ORDER		
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IT IS HEREBY STIPULATED AND AGREED by and between the parties to the			
above-entitled proceedings that the following matters are true:			
<u>PARTIES</u>			
1. Steven K. Hartzell (Complainar	nt) is the Executive Officer of the Physical		
Therapy Board of California. He brought this action solely in his official capacity and is			
represented in this matter by Bill Lockyer, Attorney General of the State of California, by Mara			
Faust, Deputy Attorney General.			
2. Respondent, Gregory Scott John	nson, is represented in this proceeding by		
attorney Henry Lewin, whose address is 11377 West Olympic Blvd., Fifth Floor, Los Angeles,			
California 90064-1683.			
	GAIL M. HEPPELL, State Bar No. 84134 Supervising Deputy Attorney General MARA FAUST, State Bar No. 111729 Deputy Attorney General California Department of Justice 1300 I Street, Suite 125 P.O. Box 944255 Sacramento, CA 94244-2550 Telephone: (916) 324-5358 Facsimile: (916) 327-2247 Attorneys for Complainant BEFORE TH PHYSICAL THERAPY BOAR DEPARTMENT OF CONS STATE OF CALII In the Matter of the Accusation Against: GREGORY SCOTT JOHNSON 1928 Alicante Street Davis, California 95616 Physical Therapist License No. PT-17250 Respondent. IT IS HEREBY STIPULATED AND A above-entitled proceedings that the following matters PARTIES 1. Steven K. Hartzell (Complainar Therapy Board of California. He brought this action s represented in this matter by Bill Lockyer, Attorney G Faust, Deputy Attorney General. 2. Respondent, Gregory Scott John attorney Henry Lewin, whose address is 11377 West C		

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2	3. On or about February 11, 1991, the Physical Therapy Board of California	
3	issued physical therapy license number PT-17250 to Gregory Scott Johnson (hereinafter	
4	ARespondent@). The license will expire February 28, 2003, unless renewed.	
5	JURISDICTION	
6	4. Accusation No. 1D-2000-62643 was filed before the Physical Therapy	
7	Board of California (Board) , Department of Consumer Affairs, and is currently pending against	
8	Respondent. The Accusation and all other statutorily required documents were properly served	
9	on Respondent on March 22, 2002. Respondent timely filed his Notice of Defense contesting the	
10	Accusation. A copy of Accusation No. 1D-2000-62643 is attached as exhibit A and incorporated	
11	herein by reference.	
12	ADVISEMENT AND WAIVERS	
13	5. Respondent has carefully read, fully discussed with counsel, and	
14	understands the charges and allegations in Accusation No. 1D-2000-62643. Respondent has also	
15	carefully read, fully discussed with counsel, and understands the effects of this Stipu	
16	Settlement and Disciplinary Order.	
17	6. Respondent is fully aware of his legal rights in this matter, including the	
18	right to a hearing on the charges and allegations in the Accusation; the right to be represented by	
19	counsel at his own expense; the right to confront and cross-examine the witnesses against him;	
20	the right to present evidence and to testify on his own behalf; the right to the issuance of	
21	subpoenas to compel the attendance of witnesses and the production of documents; the right to	
22	reconsideration and court review of an adverse decision; and all other rights accorded by the	
23	California Administrative Procedure Act and other applicable laws.	
24	7. Respondent voluntarily, knowingly, and intelligently waives and gives up	
25	each and every right set forth above.	
26	<u>CULPABILITY</u>	
27	8. Respondent understands and agrees that the charges and allegations in	

Accusation No. 1D-2000-62643, if proven at a hearing, constitute cause for imposing discipline

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2	upon respondent=s physical therapy license.
3	9. For purposes of resolving the Accusation without the expense and
4	uncertainty of further proceedings, Respondent agrees that, at a hearing, Complainant could
5	establish a factual basis for the charges in the Accusation, and that Respondent hereby gives up
6	his right to contest those charges.
7	10. Respondent agrees that his physical therapist license is subject to
8	discipline and he agrees to be bound by the Physical Therapy Board of California (Board) 's
9	imposition of discipline as set forth in the Disciplinary Order below.
10	<u>CONTINGENCY</u>
11	11. This stipulation shall be subject to approval by the Physical Therapy
12	Board of California. Respondent understands and agrees that counsel for Complainant and the
13	staff of the Physical Therapy Board of California may communicate directly with the Board
14	regarding this stipulation and settlement, without notice to or participation by Respondent or his
15	counsel. By signing the stipulation, Respondent understands and agrees that he may not
16	withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers
17	and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the
18	Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this
19	paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall
20	not be disqualified from further action by having considered this matter.
21	9. The parties understand and agree that facsimile copies of this Stipulated
22	Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same
23	force and effect as the originals.
24	10. In consideration of the foregoing admissions and stipulations, the parties
25	agree that the Board may, without further notice or formal proceeding, and enter the
26	following Disciplinary Order:
27	<u>DISCIPLINARY ORDER</u>
20	IT IS HEREBY ORDERED that physical therapy license No. PT-17250 issued to

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- 2 Respondent Gregory Scott Johnson is revoked. However, the revocation is stayed and
- 3 Respondent is placed on probation for eighteen (18) months on the following terms and
- 4 conditions.
- 5 1. <u>EDUCATION COURSE</u> Within 30 days of the effective date of this
- 6 decision, respondent shall submit to the Board, or its designee, for prior approval a physical
- 7 therapy remedial educational program, including either one course on universal precautions
- 8 and/or protocols or an independent study review of universal precautions and/or protocols. The
- 9 Board or its designee may visit respondent=s office to ensure implementation of the universal
- 10 aut including the appropriate use of gloves.
- 11 2. PROBATION MONITORING COSTS All costs incurred by the Board
 - for probation monitoring during the entire period of probation shall be reimbursed by
 - respondent. Respondent will be billed at least quarterly. Failure to make the ordered
- reimbursement within 60 days of the billing shall constitute a violation of the probation order. In
- 15 addition to the filing of an Accusation or the issuance of an administrative citation, the filing of
- 16 criminal charges shall be sought when appropriate.
- 17 3. COST RECOVERY The respondent is ordered to reimburse the Board
- 18 the actual and reasonable investigative and prosecutorial costs incurred by the Board in the
- amount of \$ 750.00. The respondent shall pay the reimbursement within 60 days from the
- 20 effective date of the decision.. Failure to make the ordered reimbursement, or any agreed upon
 - payment, shall constitute a violation of the probation order and non-compliance with this
- decision. In addition, the Board may enforce payment as provided by law. The filing of
- 23 bankruptcy by the respondent shall not relieve the respondent of his responsibility to reimburse
- 24 the Board for its investigative and prosecution costs.
 - 4. OBEY ALL LAWS Respondent shall obey all federal, state and local
- 26 laws, and statutes and regulations governing the practice of physical therapy in California.
- 5. COMPLIANCE WITH ORDERS OF A COURT The respondent shall be
 - in compliance with any valid order of a court. Being found in contempt of any court may

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2	constitute a violation of probation.	
3	6. QUARTERLY REPORTS Respondent shall submit quarterly	
4	declarations under penalty of perjury on forms provided by the Board, stating whether there has	
5	been compliance with all the conditions of probation.	
6	7. <u>PROBATION MONITORING PROGRAM COMPLIANCE</u> Respondent	
7	shall comply with the Board's probation monitoring program.	
8	8. <u>INTERVIEW WITH THE BOARD OR ITS DESIGNEE</u> Respondent	
9	shall appear in person for interviews with the Board, or its designee, upon request at various	
10	intervals and with reasonable notice.	
11	9. <u>NOTIFICATION OF PROBATIONAL STATUS TO EMPLOYERS</u> The	
12	respondent shall notify all present or future employers of the reason for and the terms and to the	
13	employer. The respondent shall obtain written confirmation from the employer that the	
14	documents were received. If the respondent changes employment or obtains additional	
15	employment, the respondent shall provide the above notification to the employer and submit	
16	written employer confirmation to the Board within 10 days. The notification(s) shall include the	
17	name, address and phone number of the employer, and, if different, the name, address and phone	
18	number of the work location.	
19	10. <u>NOTIFICATION OF CHANGE OF NAME OR ADDRESS</u> The	
20	respondent shall notify the Board, in writing, of any and all changes of name or address within	
21	ten (10) days.	
22	11. <u>RESTRICTION OF PRACTICE - TEMPORARY SERVICES</u>	
23	AGENCIES Respondent may only practice or perform physical therapy in a supervised	
24	structured environment. The respondent shall not work for a temporary services agency or	
25	registry.	
26	12. <u>PROHIBITED USE OF ALIASES</u> Respondent may not use aliases and	
27	shall be prohibited from using any name which is not Gregory Scott Johnson, his legally-	
20	recognized name or based upon a legal change of name.	

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3 works less than 192 hours in a period of three months, those months sh

WORK OF LESS THAN 20 HOURS PER WEEK If the respondent

works less than 192 hours in a period of three months, those months shall not be counted toward

satisfaction of the probationary period. The respondent shall notify the Board if he works less

than 192 hours in a three month period.

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14. <u>TOLLING OF PROBATION</u> The period of probation shall run only

during the time respondent is practicing within the jurisdiction of California. If, during

probation, respondent does not practice within the jurisdiction of California, respondent is

required to immediately notify the probation monitor in writing of the date that respondent's

practice is out of state, and the date of return, if any. Practice by the respondent in California

prior to notification to the Board of the respondent's return will not be credited toward

completion of probation. Any order for payment of cost recovery shall remain in effect whether

or not probation is tolled.

15. <u>VIOLATION OF PROBATION</u> If respondent violates probation in any respect, the Board, after giving respondent notice and the opportunity to be heard, may revoke probation and carry out the disciplinary order that was stayed. If an accusation or petition to revoke probation is filed against respondent during probation, the Board shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.

16. CESSATION OF PRACTICE DUE TO RETIREMENT, HEALTH OR

OTHER REASONS Following the effective date of this probation, if respondent ceases

practicing physical therapy due to retirement, health or other reasons, respondent may request to

surrender his license to the Board. The Board reserves the right to evaluate the respondent's

request and to exercise its discretion whether to grant the request or to take any other action

deemed appropriate and reasonable under the circumstances. Upon formal acceptance of the

tendered license, the terms and conditions of probation shall be tolled until such time as the

license is no longer renewa the respondent makes application for the renewal of the tendered

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2	license or makes application for a new license.
3	17. <u>COMPLETION OF PROBATION</u> Upon successful completion of
4	probation, respondent's license or approval shall be fully restored.
5	18. WRITTEN EXAM ON THE LAWS & REGULATIONS GOVERNING
6	THE PRACTICE OF PHYSICAL THERAPY Within 180 days of the effective date of this
7	decision, respondent shall take and pass the Board's written examination on the laws and
8	regulations governing the practice of physical therapy in California. If respondent fails to pass
9	the examination, respondent shall be suspended from the practice of physical therapy until a
10	repeat examination has been successfully passed.
11	19. PRACTICE OR PERFORMANCE OF PHYSICAL THERAPY WHILE
12	ON PROBATION It is not contrary to the public interest for the respondent to perform
13	physical therapy under the probationary conditions specified in the disciplinary order.
14	<u>ACCEPTANCE</u>
15	I have carefully read the above Stipulated Settlement and Disciplinary Order and
16	have fully discussed it with my attorney, Henry Lewin. I understand the stipulation and the
17	effect it will have on my physical therapy license. I enter into this Stipulated Settlement and
18	Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the
19	Decision and Order of the Physical Therapy Board of California.
20	DATED:
21	O: A : A
22	Original Signed By Gregory Scott Johnson
23	Respondent
24	
25	I have read and fully discussed with Respondent Gregory Scott Johnson the terms
26	and conditions and other matters contained in the above Stipulated Settlement and Disciplinary
27	Order. I approve its form and content.
20	DATED: 10/28/02

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3	Original Signed By: HENRY LEWIN
4	Attorney for Respondent
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9	<u>ENDORSEMENT</u>
10	The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
11	submitted for consideration by the Physical Therapy Board of California of the Department of
12	Consumer Affairs.
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14	DATED:10/28/03
15	BILL LOCKYER, Attorney General of the State of California
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17	Original Signed By MARA FAUST
18	MARA FAUST Deputy Attorney General
19	Attorneys for Complainant
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21	DOJ Docket Number: 03575160-sa2001ad1735
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BEFORE THE PHYSICAL THERAPY BOARD OF CALIFORNIA DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA

In the Matter of the Accusation Against:	Case No. 1D-2000-62643
GREGORY SCOTT JOHNSON	OAH No. N2002070546
Physical Therapy License No. PT-17250	
Respondent.	
DECISION ANI	O ORDER
The attached Stipulated Settlement an	nd Disciplinary Order is hereby adopted by
the Physical Therapy Board of California, Departme	ent of Consumer Affairs, as its Decision in
this matter.	
This Decision shall become effective	on <u>March 13, 2003</u> .
It is so ORDERED <u>February 11</u>	. 2003

Original Signed By: Ellen Wilson, PT
FOR THE PHYSICAL THERAPY BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS

Exhibit A Accusation No. 1D-2000-62643